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WORKING SESSION MEMORANDUM

DATE: September 21, 2012

TO: Alderman Marcia Johnson, Chair of Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner – Long Range Planning
Seth Zeren, Chief Zoning Code Official 

SUBJECT: #152-10: Ald. Baker, Fuller, Schnipper, Shapiro, Fischman, Yates and Danberg recommending discussion of possible amendments to Section 30-19 of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.

MEETING: September 24, 2012

CC: Board of Aldermen
Donnalyn Kahn, City Solicitor

BACKGROUND

The issue of how Newton regulates the provision of parking on college and university campuses first arose in the context of a special permit application submitted by Boston College for the “Middle Campus Project” in 1996. The Newton Board of Aldermen denied the permit in part based on inadequate parking as required by the ordinance and that decision was overturned in the Massachusetts Land Court¹ based on the “Dover Amendment” status of the College. The court decision further recommends that the City adopt requirements more closely tailored to colleges and universities. Later, the 2007 *Comprehensive Plan* recommended that the City work with these institutions to refine a set of zoning provisions relative to the review of their campus development and expansion. Most recently, the Zoning Reform Group, initiated in 2011 to study and make recommendations towards a process of reforming the City’s zoning ordinance, made some general recommendations with regard to zoning changes relative to educational

¹ See the 2003 Appeals Court of Massachusetts case, *Trustees of Boston College vs. Board of Aldermen of Newton*.

institutions in the City. In the spring of 2012 ZAP began discussion on a possible amendment to the zoning ordinance to clarify the parking requirements applicable to colleges and universities. Planning staff has since met twice with representatives of the City's colleges and universities to discuss the implications for their campuses of the previously proposed draft language for new section 30-19(21):

In the case of a college or university campus, where food service, living quarters, places of assembly, and other related uses are provided, the parking requirement for the campus shall be 1/3 of the combined total number of parking spaces required for the individual uses as provided in Section 30-19; a further reduction may be allowed by special permit if a professional shared-parking study demonstrates that fewer spaces can effectively meet the parking demand.

This language parallels that allowed in the current zoning standards for mixed-use sites with shared parking opportunities that allow for parking reductions up to 1/3.

ANALYSIS

As noted, Planning Department staff met in July and August with representatives of Newton's colleges and universities and aldermen representing wards that host local college/university campuses. All agreed that the institutions should manage parking effectively in an effort to minimize, if not eliminate, parking spillover and adverse impacts on the surrounding neighborhoods. There also was agreement that the current parking standards as applied to each individual use on campus are too high and that a reduction in required parking is appropriate. All wanted to see a fair, clear, and simple resolution, if possible. There was a clear distinction between the needs of the larger campuses (BC and Lasell), which have less clear boundaries than the smaller, more discrete campuses (Andover Newton, Mt. Ida). It was also noted that the schools generally have the unique ability to monitor and control their parking more readily than independent commercial uses, such as those that exist in village centers.

The challenge is to strike an appropriate balance between regulating the provision of parking and not requiring too much parking, with the negative impacts on both public interests as well as the interests of the institutions themselves, that come with parking lots. Further, given the restrictions of the "Dover Amendment," Massachusetts municipalities must ensure that the regulation of parking does not become a de-facto regulation of institutional development that is in support of their educational mission. While the proposed text shown above considers a reduction in parking for shared use, it does not account for some of the nuances and variations among the different campuses. The proposed approach outlined below therefore attempts to focus regulation under the zoning ordinance directly on meeting parking demand, recognizing that the campus itself is a mixed use, shared parking-type environment, and allowing for a degree of flexibility that will incentivize active management of parking and allow for different approaches that fit the unique circumstances of each college/university in Newton.

Parking Demand

A college or university campus is a true mixed-use environment. Residential, office, dining, classroom space; and other uses are all land uses typically found on a campus. The difference

between the campus and these same uses spread along an arterial road is that a campus is treated as a single destination at which a person arrives once and utilizes many of the different land uses available. Therefore, the best primary measure of parking demand is not the size of any individual building, but instead, the number of people coming to the campus.

Another significant difference between a college/university campus and a typical commercial site is that, for the most part, the institution can predict the number of people coming to the campus based on enrollment and levels of staffing. With the exception of event space open to the public, all people making use of the various buildings on campuses are either students, faculty, or staff for which there is a generally fixed number each year.

With its mixed-use environment and basic control over who is coming to the campus, there is a tremendous opportunity for colleges and universities to take advantage of various parking demand management techniques. These can range from restricting parking permits to upper classmen to providing staff with transit benefits. The net result of these alternative approaches to managing parking are general benefits like reduced traffic on neighboring streets, reduced pollution associated with driving and parking lots, and reduced costs to the university, allowing those funds to be spent on education and research programs and facilities, to the general benefit of the community and the regional economy. Strict mandates to provide parking lots as the preferred parking management strategy reduces or removes the incentive to pursue these alternative approaches.

Proposed Ordinance Language

Given the context described above, an ordinance focused on requirements to meet parking demand must have a great deal of flexibility built into it; without that flexibility it is difficult to create the incentives for alternative approaches. Further, flexibility is necessary in Newton because of the significant differences between each of the college university campuses in the City. The parking demands at each are really different. At the same time, it appears that there needs to be some baseline standard that essentially forms the basis for review and assures the City that there is sufficient parking management activity, whether it is parking lots or an alternative approach.

Planning Department staff, in conjunction with representatives of the institutions and aldermen representing some of the wards that host these institutions, have considered one model based on the language used in the Mixed Use 3 district, which was created for, and applied to, the area at the Riverside Green Line 'T' station. Draft proposed zoning text based on this model can be found below.

Notwithstanding the other requirements of 30-19(d), ~~by special permit from the Board of Aldermen in accordance with the procedures provided in section 30-24,~~ the parking requirement for a ~~mixed-use development approved under Section 30-13(g)~~ college or university campus shall be set through a shared-parking analysis, which demonstrates that the number of stalls provided is sufficient for the combination of uses proposed taking into account the proximity to public or campus-based

transportation services and other factors. This analysis shall be subject to review by the director of planning and development and peer reviewer at the petitioner's expense, if requested by the director of planning and development. Following ~~the grant of a special permit~~ approval by the director of planning and development under this section, no material change in the combination of uses, ~~permitted either by right under section 30-13(f) or as part of a Mixed Use Development special permit under section 30-13(g)~~, shall be authorized until the petitioner submits a revised analysis demonstrating to the satisfaction of the director of planning and development that sufficient parking exists to accommodate the new combination of uses ~~or requests and receives a modification of the special permit to authorize a change in the number of stalls provided.~~

The ordinance goes further by providing greater detail on what would be included in a shared-parking analysis: *demonstrates that the number of parking spaces to be provided is appropriate to the context, taking into consideration the mix of uses; the demand for parking spaces at different times of day, week, and year; availability of alternatives modes of transportation; and other site-specific influences on parking supply and demand* [which could include special events].

This shared-parking plan approach shown above maximizes flexibility but does not provide a clear set of standards to serve as a baseline. Planning Staff's recommendation would be to use a per-person parking ratio as a baseline while allowing a shared-parking study or similar to be used as a mechanism to modify the parking ratio requirements. For example, the parking ratio could be one parking space per 15 students residing on campus as the baseline with a shared-parking plan allowing a ratio of one per 25 with various strategies to limit the use of vehicles by students living on campus.

This latter approach is similar to that employed by the City of Somerville as they regulate parking at Tufts University. Somerville's ordinance also has requirements relating to the distribution of parking lots across that campus, an issue we would need to consider as well relative to the larger campuses in the City. Significantly, the review is not tied to development on campus but is instead an annual review of parking supply based on actual parking demand.

Process

In staff's view, once baseline standards are established, an administrative site plan review would be performed whenever changes to a campus master plan and/or parking are contemplated to determine conformance with the parking standards. If there is a deficiency in parking supply, per the standards, it would continue to be subject to special permit review or a Dover Amendment finding, at the discretion of the Commissioner of Inspectional Services. These processes are currently in place and would remain unchanged. In addition to this procedure, staff would like to consider a simple annual review that requires the institutions to report basic information on their parking supply and persons on campus that can be compared to the proposed per person parking standard to ensure that parking supply is keeping pace with any growth in student body or faculty, irrespective of any new buildings.

NEXT STEPS

Staff will need additional time to work on developing a proposed ordinance section more reflective of this tiered approach with a baseline standard and mechanisms to modify that standard based on identified strategies for managing parking demand. The biggest challenge will be in setting those initial standards and staff expects to work closely with college and university representatives and aldermen to complete this work. Our objective would be to work towards development of a complete ordinance proposal for the Committee in time for the December meeting.

PREVIOUS REVIEWS

- May 14, 2012 Issue introduced and initial ordinance proposal made.
- June 11, 2012 Additional research presented to ZAP; Committee agrees to work with representatives of colleges and universities so as to better understand how parking is managed on campuses and develop a regulation that better serves both the institutions and the community.
- July 27, 2012 First meeting with college/university representatives and aldermen representing wards hosting these institutions.
- August 16, 2012 Second meeting with representatives and aldermen. The Riverside-based approach is discussed.